

HOUSE BILL No. 6009

April 24, 2008, Introduced by Reps. Opsommer, Nitz, Ball, LaJoy and Brown and referred to the Committee on Energy and Technology.

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending sections 112, 115, 213, 305, and 404 (MCL 18.1112, 18.1115, 18.1213, 18.1305, and 18.1404), sections 115, 305, and 404 as amended by 1999 PA 8 and section 213 as amended by 2006 PA 269, and by adding sections 241c and 255.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 112. (1) **"ALTERNATIVE ENERGY VEHICLE" MEANS AN**
2 **ALTERNATIVE ENERGY VEHICLE AS DEFINED UNDER SECTION 2 OF THE**
3 **MICHIGAN NEXT ENERGY AUTHORITY ACT, 2002 PA 593, MCL 207.822.**

4 (2) ~~(1)~~-"Appropriation" means the legislative authorization
5 for expenditure or obligation of money from a state operating fund.

6 (3) ~~(2)~~-"Appropriations committees" means the appropriations
7 committee of the senate and the appropriations committee of the

1 house of representatives.

2 (4) ~~(3)~~—"Board" means the state administrative board.

3 (5) ~~(4)~~—"Budget act" means an act containing appropriations
4 ~~which~~ **THAT** form a portion of the state's annual budget.

5 Sec. 115. (1) "Institution of higher education" means a state
6 supported 4-year college or university.

7 (2) "JCOS" means the joint capital outlay subcommittee of the
8 appropriations committees.

9 (3) **"LEED" MEANS THE LEADERSHIP IN ENERGY AND ENVIRONMENTAL**
10 **DESIGN GREEN BUILDING RATING SYSTEM DEVELOPED BY THE UNITED STATES**
11 **GREEN BUILDING COUNCIL.**

12 (4) ~~(3)~~—Except as used in sections 284 to 292, "record" means
13 a public record as defined in section 2 of the freedom of
14 information act, 1976 PA 442, MCL 15.232.

15 (5) ~~(4)~~—"State agency" means a department, board, commission,
16 office, agency, authority, or other unit of state government. State
17 agency does not include an institution of higher education or a
18 community college or, for purposes of article 2 or 3, the
19 legislative branch of government. For purposes of article 2 or 3,
20 except for those sections pertaining to the authorization,
21 planning, construction, and funding of a capital outlay project,
22 including construction of a facility to house offices or functions
23 necessary for operation of the judicial branch of government, state
24 agency does not include the judicial branch of government.

25 (6) ~~(5)~~—"Unit of local government" means a political
26 subdivision of this state, including school districts, community
27 college districts, intermediate school districts, cities, villages,

1 townships, counties, and authorities, if the political subdivision
2 has as its primary purpose the providing of local governmental
3 service for citizens in a geographically limited area of the state
4 and has the power to act primarily on behalf of that area.

5 Sec. 213. (1) As used in this section:

6 (a) "Fund" means the motor transport revolving fund created in
7 subsection ~~(4)~~-(6).

8 (b) "Motor vehicle" means a passenger vehicle, van, minibus,
9 bus, truck, tractor, or other motorized vehicle.

10 (2) The department may issue directives relative to all the
11 following for motor vehicles except for those motor vehicles under
12 the jurisdiction of the state transportation department:

13 (a) The purchasing, leasing, maintaining, operating,
14 replacing, and disposing of motor vehicles for all state agencies.

15 (b) The ~~using~~**USE** of state owned motor vehicles for official
16 business.

17 (c) The establishing of conditions for use of privately owned
18 motor vehicles on official business.

19 (d) The acquiring of vehicle registration plates.

20 (e) The maintaining of motor vehicle titles and insurance
21 inventories.

22 (f) The assigning of motor vehicles, permanently or
23 temporarily, to state agencies and to institutions of higher
24 education.

25 (g) The establishing of rates to be charged for use of a motor
26 vehicle. The rates shall be reviewed periodically and shall be
27 sufficient to cover the costs of administration and of the

1 acquisition, operation, maintenance, repair, and replacement of
2 motor vehicles.

3 (h) The displaying of distinctive vehicle registration plates
4 and other external markings on the motor vehicles. The plates and
5 markings shall clearly identify state ownership unless the motor
6 vehicle is used by an elected official, or for an investigative
7 use, or anonymity is essential to properly perform a necessary
8 function of state government as determined by the director.

9 (3) **THE DEPARTMENT SHALL ENSURE THAT THE FOLLOWING PERCENTAGES**
10 **OF THE STATE'S ON-ROAD MOTOR VEHICLE FLEET CONSIST OF ALTERNATIVE**
11 **ENERGY VEHICLES BY THE FOLLOWING DATES:**

12 (A) 2% BY DECEMBER 31, 2010.

13 (B) 4% BY DECEMBER 31, 2015.

14 (C) 6% BY DECEMBER 31, 2020.

15 (4) **FOR THE PURPOSES OF SUBSECTION (3), IF AN ALTERNATIVE**
16 **ENERGY VEHICLE THAT CAN REASONABLY SERVE, IN TERMS OF COST AND**
17 **PERFORMANCE, AS A REPLACEMENT FOR A CONVENTIONAL VEHICLE IN THE**
18 **STATE'S ON-ROAD MOTOR VEHICLE FLEET IS NOT COMMERCIALY AVAILABLE,**
19 **THE DEPARTMENT MAY EXCLUDE THAT CONVENTIONAL VEHICLE FROM THE**
20 **STATE'S ON-ROAD MOTOR VEHICLE FLEET FOR THE PURPOSE OF CALCULATIONS**
21 **UNDER SUBSECTION (3).**

22 (5) ~~(3)~~—The department shall establish motor vehicle repair
23 centers and motor pools.

24 (6) ~~(4)~~—The motor transport revolving fund is hereby created.
25 The revenue received from rates charged pursuant to subsection
26 (2)(g) and revenue ~~which~~ **THAT** is received from any other source and
27 designated to be credited to the motor transport revolving fund

1 shall be credited to the motor transport revolving fund. The
2 ~~amounts~~ **MONEY** in the fund ~~are~~ **IS** continuously appropriated only for
3 administration and the acquisition, lease, operation, maintenance,
4 repair, and replacement of state owned motor vehicles and related
5 capital outlay and equipment.

6 (7) ~~(5)~~ Assets and liabilities of the motor transport
7 revolving fund shall be considered assets and liabilities of the
8 motor transport revolving fund created by this section.

9 (8) ~~(6)~~ Not later than January 1, 2007, the director shall
10 install the necessary fueling infrastructure or contract with a
11 supplier to supply alternative fuels at all state motor transport
12 facilities so that all state owned vehicles capable of utilizing
13 alternative fuels are able to use them. As used in this subsection,
14 "alternative fuel" means E85 fuel and biodiesel fuel blends.

15 **SEC. 241C. THE DEPARTMENT, AFTER CONSULTATION WITH THE STATE**
16 **ENERGY OFFICE, SHALL IMPLEMENT PROCEDURES TO ENSURE THAT ALL**
17 **BUILDINGS OWNED OR LEASED BY THIS STATE WITH A FAIR MARKET VALUE OF**
18 **\$1,000,000.00 OR MORE THAT ARE CONSTRUCTED OR UNDERGO MAJOR**
19 **RENOVATION COMMENCING ON OR AFTER FEBRUARY 1, 2009 ARE CONSTRUCTED**
20 **OR RENOVATED TO AT LEAST THE MINIMUM STANDARDS NECESSARY FOR LEED**
21 **CERTIFICATION. IN ADDITION, AT LEAST THE FOLLOWING PERCENTAGE OF**
22 **SUCH BUILDINGS SHALL BE CONSTRUCTED OR RENOVATED TO AT LEAST THE**
23 **MINIMUM STANDARDS NECESSARY FOR LEED GOLD CERTIFICATION:**

24 (A) 15%, FOR BUILDINGS THE CONSTRUCTION OR MAJOR RENOVATION OF
25 WHICH COMMENCED DURING THE PERIOD OF JANUARY 1, 2010 THROUGH
26 DECEMBER 31, 2014.

27 (B) 20%, FOR BUILDINGS THE CONSTRUCTION OR MAJOR RENOVATION OF

1 WHICH COMMENCED DURING THE PERIOD OF JANUARY 1, 2015 THROUGH
2 DECEMBER 31, 2019.

3 (C) 25% FOR BUILDINGS THE CONSTRUCTION OR MAJOR RENOVATION OF
4 WHICH COMMENCED ON OR AFTER JANUARY 1, 2020.

5 SEC. 255. (1) THE DEPARTMENT SHALL ENSURE THAT THE GOVERNMENT
6 OF THIS STATE GENERATES THE FOLLOWING PERCENTAGES OF THE ELECTRIC
7 ENERGY USED BY THE GOVERNMENT OF THIS STATE BY THE FOLLOWING DATES:

8 (A) 0.25% BY JANUARY 1, 2010.

9 (B) 0.50% BY JANUARY 1, 2015.

10 (C) 1.00% BY JANUARY 1, 2020.

11 (2) ELECTRICITY GENERATED UNDER SUBSECTION (1) SHALL BE
12 GENERATED UNDER A STATE GOVERNMENT NET METERING PROGRAM, TO BE
13 ESTABLISHED BY THE PUBLIC SERVICE COMMISSION PURSUANT TO 1939 PA 3,
14 MCL 460.1 TO 460.10CC, IN CONSULTATION WITH THE DEPARTMENT, NOT
15 LATER THAN 180 DAYS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT
16 THAT ADDED THIS SECTION. THE PROGRAM SHALL APPLY TO ALL ELECTRIC
17 UTILITIES AND ALTERNATIVE ELECTRIC SUPPLIERS IN THIS STATE AND
18 SHALL TAKE INTO CONSIDERATION THE ENERGY GENERATED UNDER A
19 UTILITY'S OR ALTERNATIVE ELECTRIC SUPPLIER'S OTHER NET METERING
20 PROGRAMS WHEN DETERMINING WHICH FACILITIES WILL PARTICIPATE IN NET
21 METERING. HOWEVER, ANY ELECTRICITY GENERATED BY THE STATE
22 GOVERNMENT NET METERING PROGRAM SHALL NOT COUNT TOWARD ANY OF THE
23 NET METERING ELECTRICAL GENERATION CAPS UNDER OTHER NET METERING
24 PROGRAMS CREATED FOR OTHER CUSTOMERS. UNDER THE STATE GOVERNMENT
25 NET METERING PROGRAM CREATED UNDER 1939 PA 3, MCL 460.1 TO
26 460.10CC, THE AMOUNT OF ELECTRICITY GENERATED AT A FACILITY MAY
27 EXCEED THE REASONABLY EXPECTED NEEDS OF THE FACILITY IN LIMITED

1 CIRCUMSTANCES.

2 (3) FOR THE PURPOSES OF THIS SECTION, THE DEPARTMENT MAY
3 DEFINE A FACILITY TO INCLUDE STRUCTURES OTHERWISE EXCLUDED UNDER
4 SECTION 114(1)(B) TO (E).

5 Sec. 305. (1) "Total state spending" means the sum of state
6 operating fund expenditures, not including transfers between funds.

7 (2) "Total state spending from state sources" means the sum of
8 state operating fund expenditures not including transfers between
9 funds, federal aid, and restricted local and private sources of
10 financing.

11 (3) "Transfer payments" means **THAT TERM** as defined by the
12 bureau of economic analysis of the United States department of
13 commerce or its successor.

14 ~~———— (4) "Unit of local government" means unit of local government
15 as defined in section 115(5).~~

16 Sec. 404. (1) "Revenues" means the increases in the net
17 current assets of a fund other than from expenditure refunds and
18 residual equity transfers.

19 (2) "Revolving fund" means a self-supporting fund ~~which~~ **THAT**
20 provides services or sells goods to state agencies, other
21 governmental jurisdictions, or the public.

22 (3) "Unencumbered balance" means that portion of an
23 appropriation not yet expended and encumbered.

24 (4) "Unexpended balance" means that portion of an
25 appropriation not yet expended.

26 ~~———— (5) "Unit of local government" means unit of local government
27 as defined by section 115(5).~~

1 (5) ~~(6)~~—"Work project" means a 1-time nonrecurring undertaking
2 for the purpose of accomplishing an objective contained in specific
3 line-item appropriation for that purpose or any other specific
4 line-item appropriation designated as a work project by law under
5 criteria established under section 451a(1).

6 Enacting section 1. This amendatory act does not take effect
7 unless House Bill No. 5121 of the 94th Legislature is enacted into
8 law.